

1645

Atty. Docket No.: 18433/2022 PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:	Gruber, et al.	Examiner:	Not Yet Assigned
Serial No.:	09/870,375		
Filed:	May 30, 2001	Group Art Unit:	1645
Entitled:	"Chimeric Plant Promoters and Plants Comprising the Same"	Conf. No.:	7238

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**CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8a**

I hereby certify that this correspondence (and any paper or fee referred to as being enclosed) is being deposited with the United States Post Office as First Class Mail on the date indicated below in an envelope addressed to Commissioner for Patents, Washington, D.C. 20231.

APR 11 2003

TECH CENTER 1600/2900

Elizabeth N. Spar

Name of Person Mailing Paper

*Elizabeth N. Spar*

Signature of Person Mailing Paper

Commissioner for Patents  
Washington, D.C. 20231

**TRANSMITTAL LETTER**

Enclosed for filing in the above-identified patent application, please find the following documents:

1. Information Disclosure Statement;
2. Form PTO-1449;
3. Copies of Cited References; and
4. Return Post Card.

The Commissioner for Patents is hereby authorized to charge any additional fees or credit any overpayment in the total fees to Deposit Account No. 16-0085, Reference No. 18433/2022. A duplicate of this transmittal letter is enclosed for this purpose.

Respectfully submitted,

Date: April 7, 2003

*Elizabeth N. Spar* Reg # 45,123

Name: Kathleen M. Williams

Registration No.: 34,380

Customer No.: 29933

Palmer & Dodge LLP

111 Huntington Avenue

Boston, MA 02199-7613

Tel: 617-239-0100



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PATENT

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**INFORMATION DISCLOSURE STATEMENT  
UNDER 37 CFR §§ 1.56, 1.97 AND 1.98****TECH CENTER 1800/2000**

Dear Sir:

In accordance with the duty of disclosure under 37 CFR § 1.56, Applicant submits this Information Disclosure Statement pursuant to 37 CFR §§ 1.97 and 1.98 in the above-identified application for consideration by the Patent Office. A listing of the cited documents is also enclosed, as well as, for the Examiner's convenience, copies of the documents in the list.

Pursuant to CFR § 1.97(e)(1), each item contained in the Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application or International application. Because this statement is being filed within three months of receipt of the Search Report, no fee is believed to be due. A copy of the Search Report is included and cited on the enclosed PTO-1449.

Applicant does not intend to represent that any of the documents submitted herein are material prior art to this invention or that the list represents an exhaustive search of documents related to this invention.

Applicant respectfully requests that the documents submitted herein be considered and made of record in this application.

Respectfully submitted,

Date: April 7, 2003

Name: Kathleen M. Williams

Registration No.: 34,380

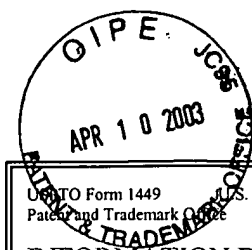
Customer No.: 29933

Palmer &amp; Dodge LLP

111 Huntington Avenue

Boston, MA 02199-7613

Tel: 617-239-0100


 USPTO Form 1449  
 Patent and Trademark Office, U.S. Department of Commerce

## INFORMATION DISCLOSURE STATEMENT

Attorney Docket No.

18433/2022

Serial No.

09/870,375

Applicant(s): Gruber, et al.

Filing Date: May 30, 2001

Group: 1645

## U.S. PATENT DOCUMENTS

Examiner Initial	Patent No.	Date	Name	Class	Subclass	Filing Date (if appropriate)

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 APR 11 2003

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## FOREIGN PATENT DOCUMENTS

Examiner Initial		Document No.	Publication Date	Country	Class	Subclass	Translation	
							YES	NO
	1.	WO 98/03655 ✓	29 January 1998	PCT	C12N	15/29		
	2.	WO 99/16890 ✓	8 April 1999	PCT	C12N	15/82		
	3.	WO 98/07747 ✓	26 February 1998	PCT	C07K	14/415		
	4.	WO 97/25419 ✓	17 July 1997	PCT	C12N	15/00		
	5.	WO 00/31274 ✓	2 June 2000	PCT	C12N	15/54		
	6.	WO 00/55331 ✓	21 Sept. 2000	PCT	C12N	15/54		
	7.	WO 00/31282 ✓	2 June 2000	PCT	C12N	15/82		
	8.	WO 97/20056	5 June 1997	PCT	C12N	15/82		
	9.	WO 99/03985	28 January 1999	PCT	C12N	15/00		

## OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, etc.)

	10.	Thomas, Mark S. and Flavell, Richard B.; "Identification of an Enhancer Element for the Endosperm-Specific Expression of High Molecular Weight Glutenin"; <u>The Plant Cell</u> ; (1990); 2: 1171-1180.
	11.	Anderson, et al.; "Nucleotide sequences of the two high-molecular-weight glutenin genes from the D-genome of a hexaploid bread wheat"; <u>Nucleic Acids Research</u> ; (1989); 17: 461-462.
	12.	Hilson, et al.; "Fos and Jun Oncogenes Transactive Chimeric or Native Promoters Containing AP1/GCN 4 Binding Sites in Plant Cells"; <u>The Plant Cell</u> ; (1990); 1: 651-658.
	13.	Halford, et al.; "Functional Analysis of the Upstream Regions of a Silent and an Expressed Member of a Family of Wheat Seed Protein Genes in Transgenic Tobacco"; <u>Plant Science</u> ; (1989) 62: 207-216.
	14.	Blechl, et al.; "A transient assay for promoter activity of wheat seed storage protein genes and other genes expressed in developing endosperm"; <u>Plant Science</u> ; (1994); 102: 69-80.

EXAMINER

DATE CONSIDERED

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

\*\*Copies of references not provided at the time of this submission.



USPTO Form 1449 U.S. Department of Commerce Patent and Trademark Office  <b>INFORMATION DISCLOSURE STATEMENT</b>				Attorney Docket No.  18433/2022		Serial No.  09/870,375	
				Applicant(s): Gruber, et al.			
				Filing Date: May 30, 2001		Group: 1645	
<b>U.S. PATENT DOCUMENTS</b>							
Examiner Initial		Patent No.	Date	Name	Class	Subclass	Filing Date (if appropriate)
<b>FOREIGN PATENT DOCUMENTS</b>							
Examiner Initial		Document No.	Publication Date	Country	Class	Subclass	Translation
							YES NO
<b>OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, etc.)</b>							
	15.	Anderson, et al.; "Conservation in wheat high-molecular-weight glutenin gene promoter sequences: comparisons among loci and among alleles of the GLU-B1-1 locus"; <u>Theor. Appl. Genet.</u> ; (1998) 96: 568-576.					
	16.	Anderson, et al.; "Triticum aestivum Glu-B1-1b gene for HMW glutenin subunit"; 8 pages.					
		Schlumbaum, et al.; "T.aestivum promoter region of HMW glutenin subunit gene"; (1997) (Applicant unable to obtain copy of this reference).					
	17.	Copy of International Search Report dated 10 January 2001					
<b>EXAMINER</b>					<b>DATE CONSIDERED</b>		
<small>*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.</small>							
<small>**Copies of references not provided at the time of this submission.</small>							